

ALINA D. STEWART,)
)
Plaintiff,)
)
v.) Civil Action No. 7:15-cv-00615
)
NANCY A. BERRYHILL, Acting)
Commissioner of Social Security,¹) By: Elizabeth K. Dillon
) United States District Judge
)
Defendant.)
)

In this social security case, plaintiff Alina D. Stewart and defendant Nancy Berryhill, Acting Commissioner of the Social Security Administration, both move for summary judgment under Federal Rule of Civil Procedure 56. Pursuant to 28 U.S.C. § 636(b)(1)(B), the court referred the motions to U.S. Magistrate Judge Robert S. Ballou for a report and recommendation (R&R).

The deadline to object to the R&R has passed, and no party has filed an objection. “[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to

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accept the recommendation.”” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Upon reviewing the record here, the court is satisfied that there is no clear error on the face of the R&R. Accordingly, it hereby ORDERS as follows:

1. The R&R (Dkt. No. 22) is ADOPTED;
2. Stewart’s motion for summary judgment (Dkt. No. 14) is GRANTED IN PART;
3. The Commissioner’s motion for summary judgment (Dkt. No. 17) is DENIED;
4. The case is REMANDED for further administrative proceedings consistent with the R&R, pursuant to sentence four of 42 U.S.C. § 405(g); and
5. The case is STRUCK from the court’s active docket.

The clerk is directed to send a copy of this order to all counsel of record.

Entered: March 9, 2017.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge